

ASSEMBLY BILL

No. 1024

Introduced by Assembly Member Walters

February 22, 2005

An act to amend Sections 2530.2, 2531, 5502, 5510, 5620, 6710, 7000.5, 7302, 7303, 7314, 8706, 8707, and 8710 of, to add Sections 2530.25, 3322, and 7302.5 to, and to repeal Sections 2531.05, 2531.1, 2531.2, 2531.6, 2531.7, 2531.75, 2531.8, 2531.9, 3321, 3325, 5514, 5515, 5516, 5517, 5518, 5520, 5521, 5522, 5523, 5524, 5621, 5622, 5624, 5626, 6711, 6713, 6714, 6718, 6719, 6720, 7001, 7002, 7003, 7005, 7006, 7007, 7009, 7011, 7013, 7015, 7016, 7304, 7309, and 7315 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1024, as introduced, Walters. Professional vocations: abolition of boards and committees.

Existing law, within the Department of Consumer Affairs, creates various boards with appointed members, which are charged with the licensing and regulation of certain professions and vocations, including the Speech-Language Pathology and Audiology Board, the Hearing Aid Dispensers Advisory Committee, the California Architects Board, the Landscape Architects Technical Committee, the Board for Professional Engineers and Land Surveyors, the Contractors' State License Board, and the Board of Barbering and Cosmetology. Existing law creates the Hearing Aid Dispensers Advisory Committee, which advises the Hearing Aid Dispensers Bureau of the department on related matters. Existing law, with respect to various other professions and vocations, provides for licensing and regulation of those professions and vocations directly by

the Department of Consumer Affairs and staff appointed by the Director of Consumer Affairs.

This bill would abolish all of the above-referenced boards and the committee, and transfer their responsibilities and duties to the Department of Consumer Affairs.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2530.2 of the Business and Professions
2 Code is amended to read:
3 2530.2. As used in this chapter, unless the context otherwise
4 requires:
5 (a) “Board” means the ~~Speech-Language Pathology and~~
6 ~~Audiology Board or any successor~~ *Department of Consumer*
7 *Affairs*.
8 (b) “Person” means any individual, partnership, corporation,
9 limited liability company, or other organization or combination
10 thereof, except that only individuals can be licensed under this
11 chapter.
12 (c) A “speech-language pathologist” is a person who practices
13 speech-language pathology.
14 (d) “The practice of speech-language pathology” means: (1)
15 the application of principles, methods, instrumental procedures,
16 and noninstrumental procedures for measurement, testing,
17 screening, evaluation, identification, prediction, and counseling
18 related to the development and disorders of speech, voice,
19 language, or swallowing; (2) the application of principles and
20 methods for preventing, planning, directing, conducting, and
21 supervising programs for habilitating, rehabilitating,
22 ameliorating, managing, or modifying disorders of speech, voice,
23 language, or swallowing in individuals or groups of individuals;
24 and (3) conducting hearing screenings.
25 (e) (1) Instrumental procedures referred to in subdivision (d)
26 are the use of rigid and flexible endoscopes to observe the
27 pharyngeal and laryngeal areas of the throat in order to observe,
28 collect data, and measure the parameters of communication and
29 swallowing as well as to guide communication and swallowing
30 assessment and therapy.

1 (2) Nothing in this subdivision shall be construed as a
2 diagnosis. Any observation of an abnormality shall be referred to
3 a physician and surgeon.

4 (f) A licensed speech-language pathologist shall not perform a
5 flexible fiberoptic nasendoscopic procedure unless he or she has
6 received written verification from an otolaryngologist certified
7 by the American Board of Otolaryngology that the
8 speech-language pathologist has performed a minimum of 25
9 flexible fiberoptic nasendoscopic procedures and is competent to
10 perform these procedures. The speech-language pathologist shall
11 have this written verification on file and readily available for
12 inspection upon request by the board. A speech-language
13 pathologist shall pass a flexible fiberoptic nasendoscopic
14 instrument only under the direct authorization of an
15 otolaryngologist certified by the American Board of
16 Otolaryngology and the supervision of a physician and surgeon.

17 (g) A licensed speech-language pathologist shall only perform
18 flexible endoscopic procedures described in subdivision (e) in an
19 acute care setting, as defined in subdivision (a) of Section 1250
20 of the Health and Safety Code, that requires the facility to have
21 protocols for emergency medical backup procedures, including a
22 physician and surgeon or other appropriate medical professionals
23 being readily available.

24 (h) "Speech-language pathology aide" means any person
25 meeting the minimum requirements established by the board,
26 who works directly under the supervision of a speech-language
27 pathologist.

28 (i) (1) "Speech-language pathology assistant" means a person
29 who meets the academic and supervised training requirements set
30 forth by the ~~board~~ department and who is approved by the board
31 to assist in the provision of speech-language pathology under the
32 direction and supervision of a speech-language pathologist who
33 shall be responsible for the extent, kind, and quality of the
34 services provided by the speech-language pathology assistant.

35 (2) The supervising speech-language pathologist employed or
36 contracted for by a public school may hold a valid and current
37 license issued by the ~~board~~ department, a valid, current, and
38 professional clear clinical or rehabilitative services credential in
39 language, speech, and hearing issued by the Commission on
40 Teacher Credentialing, or other credential authorizing service in

1 language, speech, and hearing issued by the Commission on
2 Teacher Credentialing that is not issued on the basis of an
3 emergency permit or waiver of requirements. For purposes of
4 this paragraph, a “clear” credential is a credential that is not
5 issued pursuant to a waiver or emergency permit and is as
6 otherwise defined by the Commission on Teacher Credentialing.
7 Nothing in this section referring to credentialed supervising
8 speech-language pathologists expands existing exemptions from
9 licensing pursuant to Section 2530.5.

10 (j) An “audiologist” is one who practices audiology.

11 (k) “The practice of audiology” means the application of
12 principles, methods, and procedures of measurement, testing,
13 appraisal, prediction, consultation, counseling, instruction related
14 to auditory, vestibular, and related functions and the modification
15 of communicative disorders involving speech, language, auditory
16 behavior or other aberrant behavior resulting from auditory
17 dysfunction; and the planning, directing, conducting, supervising,
18 or participating in programs of identification of auditory
19 disorders, hearing conservation, cerumen removal, aural
20 habilitation, and rehabilitation, including, hearing aid
21 recommendation and evaluation procedures including, but not
22 limited to, specifying amplification requirements and evaluation
23 of the results thereof, auditory training, and speech reading.

24 (l) “Audiology aide” means any person, meeting the minimum
25 requirements established by the board, who works directly under
26 the supervision of an audiologist.

27 (m) “Medical board” means the Medical Board of California
28 or a division of ~~the~~ *that* board.

29 (n) A “hearing screening” performed by a speech-language
30 pathologist means a binary puretone screening at a preset
31 intensity level for the purpose of determining if the screened
32 individuals are in need of further medical or audiological
33 evaluation.

34 (o) “Cerumen removal” means the nonroutine removal of
35 cerumen within the cartilaginous ear canal necessary for access
36 in performance of audiological procedures that shall occur under
37 physician and surgeon supervision. Cerumen removal, as
38 provided by this section, shall only be performed by a licensed
39 audiologist. Physician and surgeon supervision shall not be

1 construed to require the physical presence of the physician, but
2 shall include all of the following:

3 (1) Collaboration on the development of written standardized
4 protocols. The protocols shall include a requirement that the
5 supervised audiologist immediately refer to an appropriate
6 physician any trauma, including skin tears, bleeding, or other
7 pathology of the ear discovered in the process of cerumen
8 removal as defined in this subdivision.

9 (2) Approval by the supervising physician of the written
10 standardized protocol.

11 (3) The supervising physician shall be within the general
12 vicinity, as provided by the physician-audiologist protocol, of the
13 supervised audiologist and available by telephone contact at the
14 time of cerumen removal.

15 (4) A licensed physician and surgeon may not simultaneously
16 supervise more than two audiologists for purposes of cerumen
17 removal.

18 SEC. 2. Section 2530.25 is added to the Business and
19 Professions Code, to read:

20 2530.25. The Speech-Language Pathology and Audiology
21 Board is hereby abolished and any reference in law and
22 regulation to the board shall be deemed to refer to the
23 Department of Consumer Affairs, which shall succeed to the
24 powers and duties of the board.

25 SEC. 3. Section 2531 of the Business and Professions Code is
26 amended to read:

27 ~~2531. There is in the Department of Consumer Affairs a~~
28 ~~Speech-Language Pathology and Audiology Board in which the~~
29 ~~enforcement-Enforcement and administration of this chapter is~~
30 ~~vested in the Department of Consumer Affairs.—The~~
31 ~~Speech-Language Pathology and Audiology Board shall consist~~
32 ~~of nine members, three of whom shall be public members.~~

33 ~~This section shall become inoperative on July 1, 2007, and, as~~
34 ~~of January 1, 2008, is repealed, unless a later enacted statute, that~~
35 ~~becomes effective on or before January 1, 2008, deletes or~~
36 ~~extends the inoperative and repeal dates.~~

37 SEC. 4. Section 2531.05 of the Business and Professions
38 Code is repealed.

39 ~~2531.05. The Hearing Aid Dispensers Examining Committee~~
40 ~~shall appoint one of its members to serve as liaison to the~~

~~Speech-Language Pathology and Audiology Board for the purpose of coordinating the policies of the committee and board regarding the fitting or dispensing of hearing aids. The Speech-Language Pathology and Audiology Board shall notify the Hearing Aid Dispensers Examining Committee in advance of all board business concerning the fitting or dispensing of hearing aids to facilitate the participation of the liaison member.~~

SEC. 5. Section 2531.1 of the Business and Professions Code is repealed.

2531.1. (a) Each member of the board shall hold office for a term of four years, and shall serve until the appointment and qualification of his or her successor or until one year has elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

(b) Notwithstanding the four-year terms set by subdivision (a), commencing on November 30, 2004, members appointed to the board shall serve the terms set forth below. Each of these terms shall count as a full term for purposes of subdivision (a).

(1) The two public members appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively, shall each serve a term of one year.

(2) One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing power, shall each serve a term of two years.

(3) One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing power, and the public member who is a licensed physician and surgeon, board certified in otaryngology, shall each serve a term of three years.

(4) One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing power, shall each serve a term of four years.

(c) Upon completion of each of the terms described in subdivision (b), a succeeding member shall be appointed to the board for a term of four years.

SEC. 6. Section 2531.2 of the Business and Professions Code is repealed.

2531.2. The membership of the board shall include three licensed speech-language pathologists, three licensed audiologists, and three public members one of whom is a

1 ~~licensed physician and surgeon, board certified in~~
2 ~~otolaryngology, and the remaining two public members who~~
3 ~~shall not be licentiates of the board or of any board under this~~
4 ~~division or of any board referred to in the Chiropractic Act or the~~
5 ~~Osteopathic Act.~~

6 ~~The Governor shall appoint the physician and surgeon member~~
7 ~~and the other six licensed members qualified as provided in this~~
8 ~~section. The Senate Rules Committee and the Speaker of the~~
9 ~~Assembly shall each appoint a public member, and their initial~~
10 ~~appointment shall be made to fill, respectively, the first and~~
11 ~~second public member vacancies which occur on or after January~~
12 ~~1, 1983.~~

13 SEC. 7. Section 2531.6 of the Business and Professions Code
14 is repealed.

15 ~~2531.6. The Governor has power to remove from office any~~
16 ~~member of the board for neglect of any duty required by this~~
17 ~~chapter, for incompetency, or for unprofessional conduct.~~

18 SEC. 8. Section 2531.7 of the Business and Professions Code
19 is repealed.

20 ~~2531.7. The board shall elect annually a chairperson and vice~~
21 ~~chairperson from among its members. The board shall hold at~~
22 ~~least one regular meeting each year. Additional meetings may be~~
23 ~~held upon call of the chairperson or at the written request of any~~
24 ~~two members of the board.~~

25 SEC. 9. Section 2531.75 of the Business and Professions
26 Code is repealed.

27 ~~2531.75. The board may appoint a person exempt from civil~~
28 ~~service who shall be designated as an executive officer and who~~
29 ~~shall exercise the powers and perform the duties delegated by the~~
30 ~~board and vested in him or her by this chapter.~~

31 SEC. 10. Section 2531.8 of the Business and Professions
32 Code is repealed.

33 ~~2531.8. Five members of the board shall at all times constitute~~
34 ~~a quorum.~~

35 SEC. 11. Section 2531.9 of the Business and Professions
36 Code is repealed.

37 ~~2531.9. Each member of the board shall receive a per diem~~
38 ~~and expenses as provided in Section 103.~~

39 SEC. 12. Section 3321 of the Business and Professions Code
40 is repealed.

1 ~~3321. (a) There is within the bureau a Hearing Aid~~
2 ~~Dispensers Advisory Committee. The committee shall consist of~~
3 ~~seven members; three of whom shall be licensed hearing aid~~
4 ~~dispensers and four of whom shall be public members. Only one~~
5 ~~of the licensed members may also be licensed as an audiologist.~~

6 ~~(b) Each member of the committee shall hold office for a term~~
7 ~~of four years. Each member shall hold office until the~~
8 ~~appointment and qualification of his or her successor or until one~~
9 ~~year shall have elapsed since the expiration of the term for which~~
10 ~~he or she was appointed, whichever first occurs.~~

11 ~~(c) Vacancies occurring shall be filled by appointment for the~~
12 ~~unexpired term. Each member of the committee shall be eligible~~
13 ~~for reappointment in the discretion of the appointing power,~~
14 ~~provided that reappointed members shall, at the time of the~~
15 ~~reappointment, hold a valid license under this chapter. No person~~
16 ~~may serve as a member of the committee for more than two~~
17 ~~consecutive terms.~~

18 ~~(d) The Governor shall appoint two of the public members and~~
19 ~~the three licensees. The Senate Committee on Rules and the~~
20 ~~Speaker of the Assembly shall each appoint a public member.~~
21 ~~When appointing the public members, consideration shall be~~
22 ~~given to appointing a hearing-impaired individual.~~

23 ~~(e) Every member of the committee shall receive per diem and~~
24 ~~expenses as provided in Section 103 and 113.~~

25 ~~(f) The advisory committee shall:~~

26 ~~(1) Examine the functions and policies of the bureau and make~~
27 ~~recommendations with respect to policies, practices, and~~
28 ~~regulations as may be deemed important and necessary by the~~
29 ~~director or the chief to promote the interests of consumers or that~~
30 ~~otherwise promote the welfare of the public.~~

31 ~~(2) Consider and make appropriate recommendations to the~~
32 ~~bureau in all matters relating to hearing aid dispensing in this~~
33 ~~state.~~

34 ~~(3) Provide assistance as may be requested by the bureau in~~
35 ~~the exercise of its powers or duties.~~

36 ~~(g) The bureau shall meet and consult with the committee~~
37 ~~regarding general policy issues related to hearing aid dispensing.~~

38 ~~SEC. 13. Section 3322 is added to the Business and~~
39 ~~Professions Code, to read:~~

1 3322. The Hearing Aid Dispensers Advisory Committee is
2 hereby abolished and any reference in law or regulation to the
3 committee shall be deemed to refer to the Department of
4 Consumer Affairs, which shall succeed to the duties and
5 responsibilities of the committee.

6 SEC. 14. Section 3325 of the Business and Professions Code
7 is repealed.

8 ~~3325. Notice of each meeting of the committee shall be given~~
9 ~~in accordance with the Bagley-Keene Open Meeting Act (Article~~
10 ~~9 (commencing with Section 11120) of Part 1 of Division 3 of~~
11 ~~Title 2 of the Government Code).~~

12 SEC. 15. Section 5502 of the Business and Professions Code
13 is amended to read:

14 5502. As used in this chapter, board refers to the ~~California~~
15 ~~Architects Board~~ *Department of Consumer Affairs*.

16 SEC. 16. Section 5510 of the Business and Professions Code
17 is amended to read:

18 ~~5510. There is in the Department of Consumer Affairs a The~~
19 ~~California Architects Board which consists of 10 members is~~
20 ~~hereby abolished and the Department of Consumer Affairs shall~~
21 ~~succeed to its powers and duties.~~

22 Any reference in law or regulation to the *California Architects*
23 *Board* or the California Board of Architectural Examiners shall
24 ~~mean the California Architects Board~~ *be deemed to refer to the*
25 *department.*

26 ~~This section shall become inoperative on July 1, 2009, and, as~~
27 ~~of January 1, 2010, is repealed, unless a later enacted statute,~~
28 ~~which becomes effective on or before January 1, 2010, deletes or~~
29 ~~extends the dates on which it becomes inoperative and is~~
30 ~~repealed. The repeal of this section renders the board subject to~~
31 ~~the review required by Division 1.2 (commencing with Section~~
32 ~~473).~~

33 SEC. 17. Section 5514 of the Business and Professions Code
34 is repealed.

35 ~~5514. The membership of the board shall be composed of 10~~
36 ~~members, five of whom shall be architects and five of whom~~
37 ~~shall be public members.~~

38 ~~The five professional members of the board shall be selected~~
39 ~~from architects in good standing who have been licensed and in~~
40 ~~practice in this state for at least five years at the time of~~

~~1 appointment, all of whom shall be residents and in practice in
2 California.~~

~~3 The public members of the board shall not be licensees of the
4 board.~~

~~5 This section shall become operative on January 1, 1988.~~

~~6 SEC. 18. Section 5515 of the Business and Professions Code
7 is repealed.~~

~~8 5515. Every person appointed shall serve for four years and
9 until the appointment and qualification of his or her successor or
10 until one year shall have elapsed since the expiration of the term
11 for which he or she was appointed, whichever first occurs.~~

~~12 No person shall serve as a member of the board for more than
13 two consecutive terms.~~

~~14 Vacancies occurring prior to the expiration of the term shall be
15 filled by appointment for the unexpired term.~~

~~16 Each appointment shall expire on June 1 of the fourth year
17 following the year in which the previous term expired.~~

~~18 The Governor shall appoint three of the public members and
19 the five licensed members qualified as provided in Section 5514.
20 The Senate Rules Committee and the Speaker of the Assembly
21 shall each appoint a public member.~~

~~22 SEC. 19. Section 5516 of the Business and Professions Code
23 is repealed.~~

~~24 5516. Each member of the board shall receive a per diem and
25 expenses as provided in Section 103.~~

~~26 SEC. 20. Section 5517 of the Business and Professions Code
27 is repealed.~~

~~28 5517. The board may appoint a person exempt from civil
29 service who shall be designated as an executive officer and who
30 shall exercise the powers and perform the duties delegated by the
31 board and vested in him or her by this chapter.~~

~~32 This section shall become inoperative on July 1, 2009, and, as
33 of January 1, 2010, is repealed, unless a later enacted statute,
34 which becomes effective on or before January 1, 2010, deletes or
35 extends the dates on which it becomes inoperative and is
36 repealed.~~

~~37 SEC. 21. Section 5518 of the Business and Professions Code
38 is repealed.~~

1 ~~5518. The board shall elect from its members a president, a~~
2 ~~vice president, and a secretary to hold office for one year, or until~~
3 ~~their successors are duly elected and qualified.~~

4 SEC. 22. Section 5520 of the Business and Professions Code
5 is repealed.

6 ~~5520. The board shall adopt a seal for its own use. The seal~~
7 ~~used shall have the words, "State Board of Architectural~~
8 ~~Examiners" inscribed thereon.~~

9 ~~The executive officer shall have the care and custody of the~~
10 ~~seal.~~

11 SEC. 23. Section 5521 of the Business and Professions Code
12 is repealed.

13 ~~5521. The executive officer shall keep an accurate record of~~
14 ~~all proceedings of the board.~~

15 SEC. 24. Section 5522 of the Business and Professions Code
16 is repealed.

17 ~~5522. The board shall meet at least once each calendar quarter~~
18 ~~for the purpose of transacting such business as may lawfully~~
19 ~~come before it.~~

20 ~~The board may hold meetings at such other times and at such~~
21 ~~places as it may designate.~~

22 SEC. 25. Section 5523 of the Business and Professions Code
23 is repealed.

24 ~~5523. Special meetings of the board shall be called by the~~
25 ~~executive officer upon the written notice of four members by~~
26 ~~giving each member of the board 10 days' written notice of the~~
27 ~~time and place of the meeting.~~

28 SEC. 26. Section 5524 of the Business and Professions Code
29 is repealed.

30 ~~5524. Six of the members of the board constitute a quorum of~~
31 ~~the board for the transaction of business. The concurrence of five~~
32 ~~members of the board present at a meeting duly held at which a~~
33 ~~quorum is present shall be necessary to constitute an act or~~
34 ~~decision of the board, except that when all 10 members of the~~
35 ~~board are present at a meeting duly held, the concurrence of six~~
36 ~~members shall be necessary to constitute an act or decision of the~~
37 ~~board.~~

38 SEC. 27. Section 5620 of the Business and Professions Code
39 is amended to read:

1 5620. The duties, powers, purposes, responsibilities, and
2 jurisdiction of the California State Board of Landscape
3 Architects that were succeeded to and vested with the
4 ~~Department of Consumer Affairs in accordance with Chapter 908~~
5 ~~of the Statutes of 1994 are hereby transferred to the California~~
6 ~~Architects Board are hereby transferred to the Department of~~
7 ~~Consumer Affairs. The Legislature finds that the purpose for the~~
8 ~~transfer of power is to promote and enhance the efficiency of~~
9 ~~state government and that assumption of the powers and duties~~
10 ~~by the California Architects Board shall not be viewed or~~
11 ~~construed as a precedent for the establishment of state regulation~~
12 ~~over a profession or vocation that was not previously regulated~~
13 ~~by a board, as defined in Section 477 is hereby abolished.~~

14 ~~(a) There is in the Department of Consumer Affairs a~~
15 ~~California Architects Board as defined in Article 2 (commencing~~
16 ~~with Section 5510) of Chapter 3.~~

17 Whenever in this chapter “board” or “committee” is used it
18 refers to the ~~California Architects Board~~ *Department of*
19 *Consumer Affairs. Any other reference in law or regulation to the*
20 *California Architects Board or to the Landscape Architectural*
21 *Committee shall be deemed to refer to the department.*

22 ~~(b) Except as provided herein, the board may delegate its~~
23 ~~authority under this chapter to the Landscape Architects~~
24 ~~Technical Committee.~~

25 ~~(c) After review of proposed regulations, the board department~~
26 ~~may direct the examining committee to notice and conduct~~
27 ~~hearings to adopt, amend, or repeal regulations pursuant to~~
28 ~~Section 5630, provided that the board department itself shall take~~
29 ~~final action to adopt, amend, or repeal those regulations.~~

30 ~~(d)~~

31 ~~(c) The board department shall not delegate its authority to~~
32 ~~discipline a landscape architect or to take action against a person~~
33 ~~who has violated this chapter.~~

34 ~~(e)~~

35 ~~(d) This section shall become inoperative on July 1, 2009, and~~
36 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~
37 ~~that becomes operative on or before January 1, 2010, deletes or~~
38 ~~extends the dates on which it becomes inoperative and is~~
39 ~~repealed.~~

1 SEC. 28. Section 5621 of the Business and Professions Code
2 is repealed.

3 ~~5621. (a) There is hereby created within the jurisdiction of~~
4 ~~the board, a Landscape Architects Technical Committee,~~
5 ~~hereinafter referred to in this chapter as the landscape architects~~
6 ~~committee.~~

7 ~~(b) The landscape architects committee shall consist of five~~
8 ~~members who shall be licensed to practice landscape architecture~~
9 ~~in this state. The Governor shall appoint three of the members.~~
10 ~~The Senate Committee on Rules and the Speaker of the~~
11 ~~Assembly shall appoint one member each.~~

12 ~~(c) The initial members to be appointed by the Governor are as~~
13 ~~follows: one member for a term of one year; one member for a~~
14 ~~term of two years; and one member for a term of three years. The~~
15 ~~Senate Committee on Rules and the Speaker of the Assembly~~
16 ~~shall initially each appoint one member for a term of four years.~~
17 ~~Thereafter, appointments shall be made for four-year terms,~~
18 ~~expiring on June 1 of the fourth year and until the appointment~~
19 ~~and qualification of his or her successor or until one year shall~~
20 ~~have elapsed whichever first occurs. Vacancies shall be filled for~~
21 ~~the unexpired term.~~

22 ~~(d) No person shall serve as a member of the landscape~~
23 ~~architects committee for more than two consecutive terms.~~

24 ~~(e) This section shall become inoperative on July 1, 2009, and~~
25 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~
26 ~~that becomes operative on or before January 1, 2010, deletes or~~
27 ~~extends the dates on which it becomes inoperative and is~~
28 ~~repealed.~~

29 SEC. 29. Section 5622 of the Business and Professions Code
30 is repealed.

31 ~~5622. (a) The landscape architects committee may assist the~~
32 ~~board in the examination of candidates for a landscape architect's~~
33 ~~license and, after investigation, evaluate and make~~
34 ~~recommendations regarding potential violations of this chapter.~~

35 ~~(b) The landscape architects committee may investigate, assist,~~
36 ~~and make recommendations to the board regarding the regulation~~
37 ~~of landscape architects in this state.~~

38 ~~(c) The landscape architects committee may perform duties~~
39 ~~and functions that have been delegated to it by the board pursuant~~
40 ~~to Section 5620.~~

1 ~~(d) The landscape architects committee may send a~~
2 ~~representative to all meetings of the full board to report on the~~
3 ~~committee's activities.~~

4 ~~(e) This section shall become inoperative on July 1, 2009, and,~~
5 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~
6 ~~that becomes operative on or before January 1, 2010, deletes or~~
7 ~~extends the dates on which it becomes inoperative and is~~
8 ~~repealed.~~

9 SEC. 30. Section 5624 of the Business and Professions Code
10 is repealed.

11 ~~5624. Each member of the landscape architects committee~~
12 ~~shall receive per diem and expenses, as provided in Section 103.~~

13 SEC. 31. Section 5626 of the Business and Professions Code
14 is repealed.

15 ~~5626. The executive officer shall keep an accurate record of~~
16 ~~all proceedings of the landscape architects committee.~~

17 SEC. 32. Section 6710 of the Business and Professions Code
18 is amended to read:

19 ~~6710. (a) There is in the Department of Consumer Affairs a~~
20 ~~The Board for Professional Engineers and Land Surveyors, which~~
21 ~~consists of 13 members is hereby abolished and the Department~~
22 ~~of Consumer Affairs shall succeed to its powers and~~
23 ~~responsibilities.~~

24 (b) Any reference to "board" in this chapter, or, in any law or
25 regulation to the *Board for Professional Engineers and Land*
26 *Surveyors* or to the Board of Registration for Professional
27 Engineers and Land Surveyors is deemed to refer to the ~~Board~~
28 ~~for Professional Engineers and Land Surveyors department.~~

29 ~~(e) This section shall become inoperative on July 1, 2006, and,~~
30 ~~as of January 1, 2007, is repealed, unless a later enacted statute,~~
31 ~~that becomes effective on or before January 1, 2007, deletes or~~
32 ~~extends the dates on which it becomes inoperative and is~~
33 ~~repealed. The repeal of this section renders the board subject to~~
34 ~~the review required by Division 1.2 (commencing with Section~~
35 ~~473). The board shall not be required to prepare an analysis and~~
36 ~~submit a report pursuant to Section 473.2.~~

37 SEC. 33. Section 6711 of the Business and Professions Code
38 is repealed.

39 ~~6711. Each member of the board shall be a citizen of the~~
40 ~~United States. Five members shall be registered under this~~

chapter. One member shall be licensed under the Land Surveyors' Act, Chapter 15 (commencing with Section 8700) of this division, and seven shall be public members who are not registered under this act or licensed under the Land Surveyors' Act. Each member, except the public members, shall have at least 12 years active experience and shall be of good standing in his profession. Each member shall be at least 30 years of age, and shall have been a resident of this state for at least five years immediately preceding his appointment.

SEC. 34. Section 6713 of the Business and Professions Code is repealed.

~~6713. The Governor may remove any member of the board for misconduct, incompetency or neglect of duty.~~

SEC. 35. Section 6714 of the Business and Professions Code is repealed.

~~6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.~~

~~This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 36. Section 6718 of the Business and Professions Code is repealed.

~~6718. Any member of the board may administer oaths and may take testimony and proofs concerning all matters within the board's jurisdiction.~~

SEC. 37. Section 6719 of the Business and Professions Code is repealed.

~~6719. The board shall adopt and have an official seal which shall be affixed to all certificates of registration.~~

SEC. 38. Section 6720 of the Business and Professions Code is repealed.

~~6720. Each member of the board shall receive a per diem and expenses as provided in Section 103.~~

SEC. 39. Section 7000.5 of the Business and Professions Code is amended to read:

7000.5. (a) ~~There is in the Department of Consumer Affairs a The Contractors' State License Board, which consists of 15~~

1 ~~members is hereby abolished, and the Department of Consumer~~
2 ~~Affairs shall succeed to its powers and duties.~~

3 ~~(b) The repeal of this section renders the board subject to the~~
4 ~~review required by Division 1.2 (commencing with Section 473).~~
5 ~~However, the review of this board by the department shall be~~
6 ~~limited to only those unresolved issues identified by the Joint~~
7 ~~Committee on Boards, Commissions, and Consumer Protection.~~
8 ~~Any reference to this chapter to “board,” or in any law or~~
9 ~~regulation to “Contractors’ State License Board” shall be~~
10 ~~deemed to refer to the Department of Consumer Affairs. Any~~
11 ~~reference to the Registrar of the board shall be deemed to refer~~
12 ~~to the Director of Consumer Affairs.~~

13 ~~(e) This section shall become inoperative on July 1, 2007, and,~~
14 ~~as of January 1, 2008, is repealed, unless a later enacted statute,~~
15 ~~which becomes effective on or before January 1, 2008, deletes or~~
16 ~~extends the dates on which it becomes inoperative and is~~
17 ~~repealed.~~

18 SEC. 40. Section 7001 of the Business and Professions Code
19 is repealed.

20 ~~7001. All members of the board, except the public members,~~
21 ~~shall be contractors actively engaged in the contracting business,~~
22 ~~have been so engaged for a period of not less than five years~~
23 ~~preceeding the date of their appointment and shall so continue in~~
24 ~~the contracting business during the term of their office. No one,~~
25 ~~except a public member, shall be eligible for appointment who~~
26 ~~does not at the time hold an unexpired license to operate as a~~
27 ~~contractor.~~

28 ~~The public members shall not be licentiates of the board.~~

29 SEC. 41. Section 7002 of the Business and Professions Code
30 is repealed.

31 ~~7002. (a) One member of the board shall be a general~~
32 ~~engineering contractor, two members shall be general building~~
33 ~~contractors, two members shall be specialty contractors, one~~
34 ~~member shall be a member of a labor organization representing~~
35 ~~the building trades, one member shall be an active local building~~
36 ~~official, and eight members shall be public members, one of~~
37 ~~whom shall be from a statewide senior citizen organization.~~

38 ~~(b) No public member shall be a current or former licensee of~~
39 ~~the board or a close family member of a licensee or be currently~~
40 ~~or formerly connected with the construction industry or have any~~

1 financial interest in the business of a licensee of the board. Each
2 public member shall meet all of the requirements for public
3 membership on a board as set forth in Chapter 6 (commencing
4 with Section 450) of Division 1. Notwithstanding the provisions
5 of this subdivision and those of Section 450, a representative of a
6 labor organization shall be eligible for appointment to serve as a
7 public member of the board.

8 (e) Each contractor member of the board shall be of
9 recognized standing in his or her branch of the contracting
10 business and hold an unexpired license to operate as a contractor.
11 In addition, each contractor member shall, as of the date of his or
12 her appointment, be actively engaged in the contracting business
13 and have been so engaged for a period of not less than five years.
14 Each contractor member shall remain actively engaged in the
15 contracting business during the entire term of his or her
16 membership on the board.

17 (d) Each member of the board shall be at least 30 years of age
18 and of good character. In addition, each member shall have been
19 a citizen and resident of the State of California for at least five
20 years next preceeding his or her appointment.

21 (e) For the purposes of construing this article, the terms
22 “general engineering contractor,” “general building contractor,”
23 and “specialty contractor” shall have the meanings given in
24 Article 4 (commencing with Section 7055) of this chapter.

25 SEC. 42. Section 7003 of the Business and Professions Code
26 is repealed.

27 7003. Except as otherwise provided, an appointment to fill a
28 vacancy caused by the expiration of the term of office shall be
29 for a term of four years and shall be filled, except for a vacancy
30 in the term of a public member, by a member from the same
31 branch of the contracting business as was the branch of the
32 member whose term has expired. A vacancy in the term of a
33 public member shall be filled by another public member. Each
34 member shall hold office until the appointment and qualification
35 of his or her successor or until the office is deemed to be vacant
36 pursuant to Section 1774 of the Government Code, whichever
37 first occurs.

38 Vacancies occurring in the membership of the board for any
39 cause shall be filled by appointment for the balance of the
40 unexpired term.

~~No person shall serve as a member of the board for more than two consecutive terms.~~

~~The Governor shall appoint four of the public members, including the public member who is from a statewide senior citizen organization, the local building official, the member of a labor organization representing the building trades, and the five contractor members qualified as provided in Section 7002. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two public members.~~

SEC. 43. Section 7005 of the Business and Professions Code is repealed.

~~7005. The Governor may remove any member of the board for misconduct, incompetency or neglect of duty.~~

SEC. 44. Section 7006 of the Business and Professions Code is repealed.

~~7006. The board shall meet at least once each calendar quarter for the purpose of transacting business as may properly come before it.~~

~~Special meetings of the board may be held at times as the board may provide in its bylaws. Four members of the board may call a special meeting at any time.~~

SEC. 45. Section 7007 of the Business and Professions Code is repealed.

~~7007. Eight members constitute a quorum at a board meeting.~~

~~Due notice of each meeting and the time and place thereof shall be given each member in the manner provided by the bylaws.~~

SEC. 46. Section 7009 of the Business and Professions Code is repealed.

~~7009. Any member or committee of the board may administer oaths and may take testimony and proofs concerning all matters within the jurisdiction of the board.~~

SEC. 47. Section 7011 of the Business and Professions Code is repealed.

~~7011. The board by and with the approval of the director shall appoint a registrar of contractors and fix his or her compensation.~~

~~The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him or her by the board.~~

1 For the purpose of administration of this chapter, there may be
2 appointed a deputy registrar, a chief reviewing and hearing
3 officer and, subject to Section 159.5, other assistants and
4 subordinates as may be necessary.

5 Appointments shall be made in accordance with the provisions
6 of civil service laws.

7 This section shall become inoperative on July 1, 2007, and, as
8 of January 1, 2008, is repealed, unless a later enacted statute,
9 which becomes effective on or before January 1, 2008, deletes or
10 extends the dates on which it becomes inoperative and is
11 repealed.

12 SEC. 48. Section 7013 of the Business and Professions Code
13 is repealed.

14 7015. The board shall adopt a seal for its own use. The seal
15 shall have the words "Contractors' State License Board, State of
16 California, Department of Consumer Affairs," and the care and
17 eustody thereof shall be in the hands of the registrar.

18 SEC. 49. Section 7015 of the Business and Professions Code
19 is repealed.

20 7015. The board shall adopt a seal for its own use. The seal
21 shall have the words "Contractors' State License Board, State of
22 California, Department of Consumer Affairs," and the care and
23 eustody thereof shall be in the hands of the registrar.

24 SEC. 50. Section 7016 of the Business and Professions Code
25 is repealed.

26 7016. Each member of the board shall receive a per diem and
27 expenses as provided in Section 103.

28 SEC. 51. Section 7302 of the Business and Professions Code
29 is amended to read:

30 7302. The following definitions shall apply for purposes of
31 this chapter:

32 (a) "Department" means the Department of Consumer Affairs.

33 (b) "Director" means the Director of Consumer Affairs.

34 (c) ~~"Board" or "bureau"~~ "Board," "bureau," or "program"
35 means the State Board of Barbering and Cosmetology Program.

36 (d) ~~"Executive officer"~~ "officer" means the executive officer of
37 the State Board of Barbering and Cosmetology Director of
38 Consumer Affairs.

39 A reference in any other law or regulation to the State Board
40 of Barbering of Cosmetology or to the Bureau of Barbering and

1 *Cosmetology shall be deemed to refer to the Barbering and*
2 *Cosmetology Program.*

3 SEC. 52. Section 7302.5 is added to the Business and
4 Professions Code, to read:

5 7302.5. The State Board of Barbering and Cosmetology is
6 hereby abolished, and all of its functions are hereby transferred to
7 the Barbering and Cosmetology Program in the Department of
8 Consumer Affairs, which program is hereby created.

9 SEC. 53. Section 7303 of the Business and Professions Code
10 is amended to read:

11 7303. (a) ~~Notwithstanding Article 8 (commencing with~~
12 ~~Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of~~
13 ~~the Government Code, there~~ *There* is in the Department of
14 Consumer Affairs the ~~State Board of Barbering and Cosmetology~~
15 *Program* in which the administration of this chapter is vested.

16 ~~(b) The board shall consist of nine members. Five members~~
17 ~~shall be public members and four members shall represent the~~
18 ~~professions. The Governor shall appoint three of the public~~
19 ~~members and the four professions members. The Senate~~
20 ~~Committee on Rules and the Speaker of the Assembly shall each~~
21 ~~appoint one public member. Members of the board shall be~~
22 ~~appointed for a term of four years, except that of the members~~
23 ~~appointed by the Governor, two of the public members and two~~
24 ~~of the professions members shall be appointed for an initial term~~
25 ~~of two years. No board member may serve longer than two~~
26 ~~consecutive terms.~~

27 ~~(c) The board shall appoint an executive officer who is exempt~~
28 ~~from civil service. The executive officer shall exercise the~~
29 ~~powers and perform the duties delegated by the board and vested~~
30 ~~in him or her by this chapter. The appointment of the executive~~
31 ~~officer is subject to the approval of the director. In the event that~~
32 ~~a newly authorized board replaces an existing or previous bureau,~~
33 ~~the director may appoint an interim executive officer for the~~
34 ~~board who shall serve temporarily until the new board appoints a~~
35 ~~permanent executive officer.~~

36 ~~(d) The executive officer shall provide examiners, inspectors,~~
37 ~~and other personnel necessary to carry out the provisions of this~~
38 ~~chapter.~~

39 ~~(e) This section shall become inoperative on July 1, 2007, and,~~
40 ~~as of January 1, 2008, is repealed, unless a later enacted statute,~~

1 ~~which becomes effective on or before January 1, 2008, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is~~
3 ~~repealed.~~

4 *(b) The program shall be under the supervision and control of*
5 *the director.*

6 SEC. 54. Section 7304 of the Business and Professions Code
7 is repealed.

8 ~~7304. The board shall be subject to review pursuant to~~
9 ~~Division 1.2 (commencing with Section 473).~~

10 SEC. 55. Section 7309 of the Business and Professions Code
11 is repealed.

12 ~~7309. The board shall establish a principal office, and may~~
13 ~~establish branch offices and examination facilities in the state as~~
14 ~~may be deemed necessary for the board to conduct its business.~~

15 SEC. 56. Section 7314 of the Business and Professions Code
16 is amended to read:

17 ~~7314. The board shall keep a record of its proceedings~~
18 ~~relating to its public meetings, meetings of committees, and~~
19 *program shall keep records relating to the issuance, refusal,*
20 *renewal, suspension and revocation of licenses.*

21 ~~The board~~ *program shall keep* a registration record of each
22 licensee containing the name, address, license number and date
23 issued. This record shall also contain any facts that the applicants
24 may have stated in their application for examination for
25 licensure.

26 SEC. 57. Section 7315 of the Business and Professions Code
27 is repealed.

28 ~~7315. A majority of the board may, in any meeting properly~~
29 ~~noticed in accordance with the Bagley-Keene Open Meeting Act,~~
30 ~~exercise all the duties and powers devolving upon the board.~~

31 SEC. 58. Section 8706 of the Business and Professions Code
32 is amended to read:

33 ~~8706. "Board" refers to the Board for Professional Engineers~~
34 ~~and Land Surveyors Department of Consumer Affairs. Any~~
35 ~~reference in any other law or regulation to the Board for~~
36 ~~Professional Engineers and Land Surveyors shall be deemed to~~
37 ~~refer to the department.~~

38 SEC. 59. Section 8707 of the Business and Professions Code
39 is amended to read:

1 8707. "Executive officer" refers to the ~~executive officer of the~~
2 ~~board~~ *Director of Consumer Affairs*.

3 SEC. 60. Section 8710 of the Business and Professions Code
4 is amended to read:

5 8710. (a) The Board for Professional Engineers and Land
6 Surveyors is ~~vested with power to administer the provisions and~~
7 ~~requirements of this chapter, and may make and enforce rules~~
8 ~~and regulations that are reasonably necessary to carry out its~~
9 ~~provisions hereby abolished, and the Department of Consumer~~
10 ~~Affairs shall succeed to its powers and duties.~~

11 (b) The ~~board~~ *department* may adopt rules and regulations of
12 professional conduct that are not inconsistent with state and
13 federal law. The rules and regulations may include definitions of
14 incompetence and negligence. Every person who holds a license
15 or certificate issued by the ~~board~~ *department* pursuant to this
16 chapter, or a license or certificate issued to a civil engineer
17 pursuant to Chapter 7 (commencing with Section 6700), shall be
18 governed by these rules and regulations.

19 ~~(e) This section shall become inoperative on July 1, 2006, and,~~
20 ~~as of January 1, 2007, is repealed, unless a later enacted statute,~~
21 ~~which becomes effective on or before January 1, 2007, deletes or~~
22 ~~extends the dates on which it becomes inoperative and is~~
23 ~~repealed. The repeal of this section shall render the board subject~~
24 ~~to the review required by Division 1.2 (commencing with Section~~
25 ~~473).~~